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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,943

12/28/2001

Brian L. Jackson

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09/08/2006

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EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/033,943	<b>Applicant(s)</b> JACKSON ET AL.	
	<b>Examiner</b> Romain Jeanty	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This Final Office Action is in response to the communication received on June 15, 2006.  
Claims 1-41 are pending in the application.

### **Response to Amendment**

2. Applicants' amendment to claims 4,7, and 31 has overcome the objection. The objection is withdrawn.

### **Response to Arguments**

3. Applicant's arguments filed on June 15, 2006 with respect to the 35 U.S.C. 112, second paragraph, have been fully considered and found to be persuasive. The rejection is withdrawn.
4. Applicant's arguments filed June 15, 2006 with respect to the 35 U.S.C. 102(b) have been fully considered but they are **not** persuasive. The rejection is maintained below.

### **Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 24-28, 38-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Sturgeon et al Sturgeon et al (U.S. Patent No. 5,726,884).

As per claim 1, Sturgeon et al discloses an integrated hazardous substance tracking and compliance. In so doing, Sturgeon et al discloses a database identifying a plurality of compliance events and a plurality of resources (col. 9, lines 32-51).

providing a computer system including a main computer and a remote computer adapted to communicate with the main computer, at least a portion of a main program and the database accessible by the main computer, the remote computer accessing a remote program operative to display and modify only a remote portion of the plurality of compliance events and only a remote portion of the plurality of resources of the database (col.10, lines 39-60, lines), periodically scanning the database to identify at least one of the plurality of compliance events requiring a response, scanning the database to identify at least one of the plurality of resources to respond to the compliance event requiring the response (col. 49, lines 35-61), matching at least one of the plurality of resources with the compliance event requiring the response (col. 29, line 64 through col. 30 line 26), and scheduling the resource to respond to the compliance event (i.e., planning a response to the event) (col. 32, lines 27-44).

As per claim 2, Sturgeon et al further discloses wherein scheduling the resource to respond to the compliance event further includes sending the remote portion of at least one of the plurality of compliance events and the remote portion of at least one of the plurality of resources to the remote computer, and updating the compliance event with a completion information (col. 10, lines 39-51).

As per claim 3, Sturgeon et al further discloses wherein the remote computer is associated with at least one of the plurality of resources scheduled to respond to the compliance event and wherein the scheduling of the resource to respond to the compliance event is

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communicated to the remote computer (col. 32, lines 27-44).

As per claim 4, Sturgeon et al further discloses wherein the method further includes generating a report including the compliance events scheduled and the completion information (col. 10, lines 39-51).

As per claim 5, Sturgeon et al further discloses updating a follow-up information associated with the compliance event (col. 28, lines 34-39).

As per claim 6, Sturgeon et al further discloses matching the resource with the compliance event includes associating a location of the compliance event with a location of the resource. (col. 12, lines 54-61 and col. 29, line 64 through col. 30 line 26).

Claim 24 is a computerized method of managing a compliance event for a natural gas distribution system, the compliance event including at least one of a cathodic protection event, a danger tags event, a poly-pipe event, an odorant injection event, and a service line scheduling event, for performing the steps of claim 1; therefore, claim 24 is rejected under the same rationale relied upon of claim 1.

As per claim 25, Sturgeon et al further discloses wherein the compliance event includes a priority and a unit (col. 29, lines 37-39 and col. 31, lines 27-38).

As per claim 26, Sturgeon et al further discloses wherein periodically scanning the database to identify compliance event requiring a response includes selecting the compliance event requiring a response based upon the priority (col. 29, lines 37-39 and col. 31, lines 27-38).

As per claim 27, Sturgeon et al further discloses wherein identify one of the plurality of resources to respond to the compliance event requiring the response further comprises determining the unit associated with the compliance event, identifying at least one of the

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plurality of resources associated with the unit of the compliance event requiring the response (col. 29, lines 37-39 and col. 32, lines 27-38).

Claim 28 is a compliance management system for managing compliance of a natural gas distribution system which claims the same limitations of claim the steps of claim 1, with the only difference that claim 1 does not claim the step of a remote program having an interface operative to display and periodically update the portion of the compliance event to be performed by the resource such that when the main program is modified to operatively maintain the plurality of compliance events and the plurality of resources, only the interface of the remote program is modified for the interface to operatively display and update the compliance event to be performed by the resource. In addition, Sturgeon et al disclose such claimed limitations. Note col. 1, lines 16-29, col. 23, line 60 through col. 24 line 14, and col. 26, lines 17-25 of Sturgeon

As per claim 38, Sturgeon et al discloses an integrated hazardous substance tracking and compliance. In so doing, Sturgeon et al discloses:

In so doing, Sturgeon et al discloses maintaining a database identifying at least one compliance event and a resource (col. 9, lines 32-51), scanning the database on a periodic basis to determine the compliance event to be performed, associating the compliance event with the resource to perform the compliance event based upon a unit associated with both the compliance event and the resource (col. 49, lines 39-51), scheduling the resource to perform the compliance event; entering a completion information of the compliance event based upon completion of the compliance event by the resource (col. 32, lines 27-44), and generating a report including at least one compliance event and a portion of the completion information of the compliance event (col. 30, lines 27-56).

As per claim 39, Sturgeon et al further discloses wherein scheduling the resource to perform the compliance event includes: providing a remote computer associated by the resource; downloading to the remote computer the schedule of the resource to perform the compliance event; displaying the schedule of the resource to perform the compliance event; and performing the compliance event (col. 30, lines 27-44, and col. 32, lines 27-44).

As per claim 40, Sturgeon et al further discloses entering completion information into the remote computer, providing a main computer, the remote computer adapted to communicate with the main computer, transmitting from the remote computer to the main computer the completion information col. 30, lines 27-44, and col. 32, lines 27-44), and updating the compliance event with the completion information indicative of the compliance event being performed by the resource (col. 10, lines 1-19).

As per claim 41, Sturgeon et al further discloses creating a report including at least one of the plurality of compliance events and the completion information associated with at least one of the compliance events, printing the report on the main computer (col. 30, lines 27-44).

### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 7-23, 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sturgeon et al (U.S. Patent No. 5,726,884) in view of Dialog (Santa Fe Pacific Corp).

As per claim 7-10, Sturgeon discloses all of the limitations in claims 1 and 2 above, but fails to explicitly disclose the concept of using a cathodic protection events. Dialog in the same field of endeavor discloses the concept of a cathodic protection events. Note page of Dialog. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the disclosures of Sturgeon et al to include a cathodic events as taught by Dialog with the motivation to efficiently and effectively comply with environmental regulations.

Regarding claims 11-23, the claimed features are standard practice in the natural gas distribution compliance management. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include such features in Sturgeon et al in order to efficiently and effectively comply with environmental regulations.

As per claim 29, Sturgeon does not explicitly discloses wherein the plurality of compliance events are selected from a group of compliance event consisting of a plurality of cathodic protection events, a plurality of danger tag events, a plurality of poly-pipe events, a plurality of odorant injection events and a plurality of service line scheduling events. However, including these features into the disclosure of Sturgeon et al would have been obvious to a person of ordinary skill in the art in order to efficiently and effectively comply with environmental regulations.

As per claim 30, Sturgeon et al further discloses wherein each of the plurality of compliance events having a priority and a unit (col. 29, lines 37-39 and col. 31, lines 27-38).



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As per claim 31, Sturgeon et al further discloses wherein the priority of each of the compliance events is associated with a time-frame for responding to the compliance event (col. 29, lines 37-39 and col. 31, lines 27-38).

As per claim 32, Sturgeon et al further disclose wherein the unit is further defined as one of a plurality of geographical areas associated with each of the plurality of compliance events and resources and wherein the scheduling program is operative to schedule based upon the unit associated with the resources to perform the compliance events (col. 29, lines 37-39 and col. 32, lines 27-38).

As per claims 33-37, Sturgeon et al does not explicitly disclose wherein the remote computer further defined as a laptop computer, a personal digital assistant, a wireless device, a wireless telephone, a wireless device further defined as a pager. However these devices are well known communication devices that are used for communication purposes. Thus, it would have been obvious to a person of ordinary skill in the art to modify the disclosures of Sturgeon et al to include these types of communications means in order to send and receive information.

### **Remarks**

9. Applicant asserted that Sturgeon et al does not teach the claimed invention. Applicants further supported their assertion by arguing that Sturgeon et al does not even use the term schedule. In response, the examiner respectfully disagrees because Sturgeon et al does teach the concept of safety inspection of toxic gas (natural gas) and the scheduling of the inspection of the toxic gas, which teaches the functionality of applicants' claimed feature. Note col. 15, lines 44 through col. 16, line 16 of Sturgeon et al.

Applicants further argued that Sturgeon et al does not teach a remote computer to communicate with a main computer ..... and display and modify only a portion of the plurality of compliance events....of the database. In response, the examiner respectfully disagrees because Sturgeon et al does disclose a computer for communicating the compliance event information. Applicants are directed col. 23, line 60 through col. 24 line 55 of Sturgeon et al.

Applicants further argued that Sturgeon et al fails to teach periodically a database to identify at least one of a plurality of resources to respond to the compliance event requiring the response. In response, the examiner again disagrees because Sturgeon et al discloses a database having human resource management for getting information to a person to respond to a compliance event. Note col. 32, lines 51-67).

Applicants further argued on page 8 (section IV) that claims 7-23 and 29-37 should be allowable by virtue of their dependency on independent claims 1 and 28. In response, the examiner respectfully disagrees. Applicants are directed to the rejection and arguments above.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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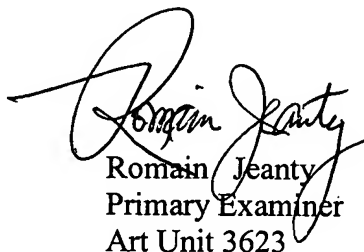
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 5, 2006

  
Romain Jeanty  
Primary Examiner  
Art Unit 3623